

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Case registered under the provision of Prevention of Corruption Act, 1988 against Sri Brij Kishore Singh, Deputy Executive Engineer, Ward-15, Division-II, South Zone, Greater Hyderabad Municipal Corporation, Hyderabad – Sanction of Prosecution Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.I(2) DEPT.

G.O.Ms.No. 426

Dated: 21.11.2012

O R D E R:

Whereas, Sri Brij Kishore Singh worked as Deputy Executive Engineer, Ward-15, Division-II, South Zone, Greater Hyderabad Municipal Corporation, Hyderabad from 28.3.2006 to 14.6.2011 and by virtue of the post held by him, he falls under the category of Public Servant as defined under Clause (C) of section 2 of the Prevention of Corruption Act, 1988 (Act 49 of 1988).

2. And whereas, it is alleged that Sri V. Yadagiri, S/o Narayana, age 43 years, Occ: Contractor R/o H.No.17-1-181/A/317, Madannapet, Hyderabad, came to O/o Dy. Superintendent of Police, A.C.B., Hyderabad Range, Hyderabad, and given complaint, wherein he stated that he is working as contractor and also President of the "Goutham Vaddera Labour Co-op. Society" and used to undertake contract of civil works i.e., laying roads, cleaning of storm water drains in the limits of Greater Hyderabad Municipal Corporation. In the month of October, 2010, he undertook two works of cleaning storm water drain through tenders at the estimated worth of Rs.3,19,222/- and Rs.2,02,438/- respectively in ward 15 of Begum Bazar division and completed the works under the supervision of Sri Brij Kishore Singh, Deputy Executive Engineer. At the time of preparing the bills, Sri Brij Kishore Singh, Deputy Executive Engineer, demanded him that if 15% of the total bill is paid as bribe, he would prepare the bills and get it sanctioned. Sri V. Yadagiri requested that he would pay the bribe amount after sanction of the bill amount. Thereafter, the bill amount of Rs.4,80,000/- was sanctioned in the month of April, 2011 through bank cheques. But Sri V. Yadagiri was not willing to pay the bribe amount and as such he did not pay it. In the month of November, 2010, Sri V. Yadagiri undertook the contract works of re-modeling of storm water drains at Afzalnagar Nala and Kishangunj in the same division, with an estimated cost of Rs.5,75,472/- and the same is being executed. While he was executing the work, on 28-5-2011, Sri Brij Kishore Singh, Dy. Executive Engineer, Greater Hyderabad Municipal Corporation came to the work spot at Kishangunj and threatened that if the bribe amount of Rs.60,000/- is not paid, he would not allow him to execute the works and cause obstructions. Again, on 3.6.2011 and also on 6.6.2011, Sri Brij Kishore Singh, Dy. Executive Engineer came to work site and demanded about the bribe amount. When Sri V. Yadagiri expressed that he was not in a position to pay that much amount as bribe, Sri Brij Kishore Singh, Dy. Executive Engineer reduced the bribe to Rs.50,000/- and warned that, if the said bribe was not paid, he would not allow the bills pertains to the present works are passed. Sri V. Yadagiri reluctantly agreed and informed that he would secure the amount and pay the bribe in a few days. But, Sri V. Yadagiri is not willing to pay bribe amount to Sri Brij Kishore Singh, Deputy Executive Engineer and given complaint against him before Deputy Superintendent of Police, ACB for taking necessary action;

3. And, the Deputy Superintendent of Police, Anti Corruption Bureau asked Sri V. Yadagiri to come to his office on 14.6.2011 in the after noon along with the proposed bribe amount of Rs.50,000/- which he intended to pay as bribe to Sri Brij Kishore Singh, Deputy Executive Engineer. The Deputy Superintendent of Police, made confidential enquiries with regard to the genuineness of the complaint and reputation of the Deputy Executive Engineer etc., and registered a case in Cr. No. 12/ACB-HR/2011 under section 7 of the Prevention of Corruption Act, 1988 on 14.6.2011 at 1430 hours against Sri Brij Kishore Singh, Deputy Executive Engineer and organized a trap after following all the legal formalities stipulated for a trap;

4. And whereas on 14.6.2011 i.e., on the date of trap the complainant, Sri V. Yadagiri proceeded to the office room of Sri Brij Kishore Singh, Deputy Executive Engineer and found him present in his seat alone. When Sri V. Yadagiri paid compliments, Sri Brij Koshore, Singh, Deputy Executive Engineer reciprocated and offered him seat in front of his table and then enquired whether the demanded bribe of Rs.50,000/- was brought. On Sri V. Yadagiri giving positive reply, the Deputy Executive Engineer demanded him to pay the bribe amount. Sri V. Yadagiri took out the bundle of tainted currency notes of Rs.50,000/- from his left side pocket of his pant and offered to Sri Brij Kishore Singh, Deputy Executive Engineer and the Deputy Executive Engineer received the said amount with his right hand and kept them in a Polythene cover available on the floor to the right side of his seat. The Deputy Executive Engineer assured Sri V. Yadagiri that he could not cause any obstacles in his on going contract works. Then Sri V. Yadagiri came out of the office to the portico and gave the pre-determined signal to the trap party. When the trap party was rushed towards the office, the Deputy Superintendent of Police asked him to wait outside.

5. The Phenolphthalein test conducted on right hand fingers of Sri Brij Kishore Singh and the inner portion of Polythene cover and on out side portion of a file folder which came into contact with the currency notes yielded positive results. The tainted amount was recovered from the Polythene cover at the instance of Sri Brij Kishore Singh, Deputy Executive Engineer in the presence of mediators and Sri M. Bhavani Shiva Prasad, Assistant Engineer, Greater Hyderabad Municipal Corporation, Hyderabad and seized.

6. And whereas the said acts of Sri Brij Kishore Singh, Deputy Executive Engineer, Ward-15, Division-II, South Zone, Greater Hyderabad Municipal Corporation, Hyderabad constitute offences punishable u/s 7 and section 13 (2) read with section 13 (1) (d) of the Prevention of Corruption Act, 1988.

7. And whereas, the Government of Andhra Pradesh, being the Competent Authority to remove Sri Brij Kishore Singh Deputy Executive Engineer, Ward-15, Division-II, South Zone, Greater Hyderabad Municipal Corporation, Hyderabad from service, after fully and carefully examining the material i.e., First Information Report, Mediators Reports of pre and post trap and statement of witnesses, placed before them and having applied their mind to the facts and circumstances of the case consider that the said Sri Brij Kishore Singh, Deputy Executive Engineer should be prosecuted in a Court of Law for the aforesaid offences;

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8. Now, therefore, in exercise of the powers conferred under clause (b) of sub-section (1) of sec. 19 of the Prevention of Corruption Act, 1988 (Act 49 of 1988), the Government of Andhra Pradesh hereby accord sanction for the prosecution of the said Sri Brij Kishore Singh, Dy. Executive Engineer, ward-15, Division-II, South Zone, Greater Hyderabad Municipal Corporation, Hyderabad for the above said offences punishable u/s 7 section and section 13 (2) read with clause (d) of sub section (1) of the section 13 of the Prevention of Corruption Act, 1988 and for any other cognate offences punishable under any provisions of law for the time being in force and for taking cognizance of the said offences by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. SAM BOB
PRINCIPAL SECREARY TO GOVERNMENT

To:
The Director General, ACB,
A.P., Hyderabad.

//Forwarded :: By order//

SECTION OFFICER.